

E-FILED on 03/03/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARISTOCRAT TECHNOLOGIES,
AUSTRALIA PTY LIMITED and
ARISTOCRAT TECHNOLOGIES, INC.,

Plaintiffs,

v.

INTERNATIONAL GAME TECHNOLOGY
and IGT,

Defendants.

No. C-06-03717 RMW

ORDER DENYING DEFENDANTS'
ADMINISTRATIVE REQUEST TO FILE
UNDER SEAL EXHIBIT K TO THE
DECLARATION OF ROBERT T. CRUZEN
IN SUPPORT OF IGT'S MOTION *IN LIMINE*
TO EXCLUDE LATE-DISCLOSED
WITNESSES

[Re Docket No. 942]

On December 23, 2010, IGT requested leave to file Exhibit K to the declaration of Robert T. Cruzen in support of IGT's motion *in limine* to exclude late-disclosed witnesses (Dkt. No. 941) under seal pursuant to Civil Local Rules 79-5 and 7-11. The declaration at issue was designated by Aristocrat as "highly confidential." Aristocrat has not filed a declaration establishing that the

ORDER DENYING DEFENDANTS' ADMINISTRATIVE REQUEST TO FILE UNDER SEAL EXHIBIT K TO THE DECLARATION OF ROBERT T. CRUZEN IN SUPPORT OF IGT'S MOTION IN LIMINE TO EXCLUDE LATE-DISCLOSED WITNESSES—No. C-06-03717 RMW

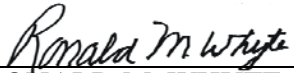
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designated information is sealable as required by Civil Local Rule 79-5(d):

Within 7 days [after the submitting party has filed the motion to seal], the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality. If the designating party does not file its responsive declaration as required by this subsection, the document or proposed filing will be made part of the public record.

Accordingly, IGT's request to file under seal is denied. Within four days from the date of this order, IGT shall file an underacted version of the subject document in the public record. *See* Civil Local Rule 79-5(e).

DATED: 03/03/2011


RONALD M. WHYTE
United States District Judge